

5938--A

2013-2014 Regular Sessions

I N   S E N A T E

September 20, 2013

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Introduced by Sen. TKACZYK -- read twice and ordered printed, and when printed to be committed to the Committee on Rules -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the public health law, in relation to financial responsibility and reimbursement for payment for early intervention services

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1     Section 1. The opening paragraph of paragraph (a) of subdivision 3 of  
2     section 2559 of the public health law, as amended by section 11 of part  
3     A of chapter 56 of the laws of 2012, is amended to read as follows:  
4     [Providers of evaluations and early intervention services, hereinafter  
5     collectively referred to in this subdivision as "provider" or "providers",]  
6     THE STATE, OR ITS DESIGNATED FISCAL AGENT shall in the first  
7     instance and where applicable, seek payment from all third party payors  
8     including governmental agencies prior to claiming payment from a given  
9     municipality for evaluations conducted under the program and for  
10    services rendered to eligible children, provided that, the obligation to  
11    seek payment shall not apply to a payment from a third party payor who  
12    is not prohibited from applying such payment, and will apply such  
13    payment, to an annual or lifetime limit specified in the insured's policy.  
14    cy.  
15    S 2.   Subdivision 1 of section 2557 of the public health law, as  
16    amended by section 4 of part C of chapter 1 of the laws of 2002, is  
17    amended to read as follows:  
18    1. The approved costs for an eligible child who receives an evaluation  
19    and early intervention services pursuant to this title shall be a charge  
20    upon the municipality wherein the eligible child resides AND THE STATE  
21    or, where the services are covered by the medical assistance program,  
22    upon the social services district of fiscal responsibility with respect  
23    to those eligible children who are also eligible for medical assistance.

EXPLANATION--Matter in *ITALICS* (underscored) is new; matter in brackets [ ] is old law to be omitted.

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1 All approved costs shall be paid in the first instance [and at least  
2 quarterly] WITHIN THIRTY DAYS by the appropriate governing body or offi-  
3 cer of the municipality AND THE STATE upon vouchers presented and audit-  
4 ed in the same manner as the case of other claims against the munici-  
5 pality. Notwithstanding the insurance law or regulations thereunder  
6 relating to the permissible exclusion of payments for services under  
7 governmental programs, no such exclusion shall apply with respect to  
8 payments made pursuant to this title. Notwithstanding the insurance law  
9 or any other law or agreement to the contrary, benefits under this title  
10 shall be considered secondary to any plan of insurance or state govern-  
11 ment benefit program under which an eligible child may have coverage.  
12 Nothing in this section shall increase or enhance coverages provided for  
13 within an insurance contract subject to the provisions of this title.

14 S 3. Subdivision 5 of section 2557 of the public health law is amended  
15 by adding a new paragraph (d) to read as follows:

16 (D) THE FISCAL AGENT SHALL, AT LEAST QUARTERLY, CONDUCT A RECONCIL-  
17 IATION OF THIRD PARTY REIMBURSEMENT PURSUANT TO SUBDIVISION THREE OF  
18 SECTION TWENTY-FIVE HUNDRED FIFTY-NINE OF THIS ARTICLE, AND PROVIDE  
19 REIMBURSEMENT IN EQUAL PROPORTION TO THE STATE AND MUNICIPALITY UPON  
20 VOUCHERS FOR EARLY INTERVENTION SERVICES THAT HAVE BEEN PAID.

21 S 4. This act shall take effect immediately and shall be deemed to  
22 have been in full force and effect on and after June 1, 2013.